

GCE

LAW: ENFORCEMENT

HUMAN RIGHTS ACT SUGGESTED IDEAS FOR TEACHING AND LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Protection of rights and freedoms in the UK
Session:	Human Rights Act 1998

Component:	A Level Components 2 and 3
Ref. to specification:	Human Rights Law
Suggested time allocation:	4-6 hours

Aims and Objectives: At the end of these sessions the student will be able to:

- Explain and Apply the main provisions of the Human Rights Act 1998 and relevant cases, with particular reference to sections 2,3,4,6,7, and 19
- Explain the impact of the Human Rights Act on how human rights are protected
- Critically evaluate the Human Rights Act and suggest reforms

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce topic, explain this session on Rights (first being civil liberties, 2nd being the European Convention), this lesson on HRA 1998 will lead into lesson on Bill of Rights.
- PowerPoint presentation can be used to introduce the topic, state the objectives and for the topic area. Link to previous lessons in this series as above.
- Explain the HRA 1998 incorporated the ECHR into UK domestic law section 7.
- Explain the requirements on the judiciary under sections 2 & 3.
- Direct questioning – ask students who they can enforce the Convention rights against. Explain section 6 with reference to cases - *Donoghue v Poplar Housing & Regeneration Community Association Ltd (2001)*; *Andrews v Reading BC (2005)*. Extent of the Convention - *Douglas v Hello (2001)* & *R (on the application of Al-Skeini) v Sec of State for Defence (2007)*
- Explain section 4 – declarations of incompatibility with reference to cases - *Wilson v First County Trust (2003)*; *Procurator Fiscal v Brown (2000)*; *Bellinger v Bellinger (2003)*; *A and Z and others v Secretary of State for the Home Department (2004)*.
- Organise the class into small groups – Discuss - Does section 4 give judges too much power, or does it not go far enough? Should judges be able to strike out laws that are incompatible with Convention rights? Feedback answers to class.
- Discuss current debates surrounding the HRA with reference to cases - *Re JJ (control orders) (2006)*; *Re MB (2006)*; *R (on the application of Shabina Begum) v Head Teacher and Governors of Denbigh School (2006)*; *Ali v Head Teacher and Governors of Lord Grey School (2006)*.
- In small groups research/discuss the advantages and disadvantages of the Human Rights Act 1998 – either for homework or in class time (a debate could be used with one side for and one side against).

- Recap and link to next session – Bill of Rights. Questions for students to consider – Does the HRA offer enough protection of our human rights? Do we need a Bill of Rights in the UK?

Student Activities:

- Students in small groups: Discuss - Does section 4 give judges too much power, or does it not go far enough? Should judges be able to strike out laws that are incompatible with Convention rights? Feedback answers to class.
- Discuss current debates surrounding the HRA – ask students to read and cut out newspaper stories concerning the HRA and bring into class for discussion.
- In small groups research /discuss the advantages and disadvantages of the Human Rights Act 1998 – either for homework or in class time.
- Optional – debate – Should the HRA be scrapped? One side for one side against.

Suggested links/ resources:

- PowerPoint
- Internet
- Cases
- Statute

Assessment

During the lesson	Group exercises and direct questioning illustrate how well the students have understood the HRA 1998.
Subsequent to lesson	Read and cut out newspaper articles concerning the HRA. Research the advantages and disadvantages of the HRA , if not done in class time. Past paper essay question on the HRA.

TOPIC: Human Rights Act 1998

Questions:		Expected answers:
1.	What did the HRA incorporate into UK domestic law?	European Convention on Human Rights
2.	Against whom can you enforce the rights in the Convention?	Public bodies – though students usually believe you can enforce the rights against other individuals.
3.	Does section 4 give judges too much power, or does it not go far enough? Should judges be able to strike out laws that are incompatible with Convention rights?	Answer will depend on students own viewpoints, some will believe that judges should have the power to strike out laws, as in U.S. others will think that allowing judges to do that would override parliamentary sovereignty and judges are not elected.
4.	What are the advantages to the HRA?	<ul style="list-style-type: none"> • Improved access • Encourages conformity • Avoids conflict between UK domestic law & international law • Better awareness of rights by citizens • ECHR has been tried and tested over 30 years
5.	What are the disadvantages to the HRA?	<ul style="list-style-type: none"> • HRA NOT entrenched • Too much judicial power? • Too little judicial power? – cannot strike out laws • Rights in the Convention only enforceable against the state and not private individuals • ECHR is old, outdated, does not include social / economic rights
6.	Should we scrap the Human Rights Act and bring in a Bill of Rights?	Answer will depend on students own viewpoints